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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/902,333 | 07/10/2001 | Philip James Campaigne | 5/00 | 8457 |

7590
Philip J. Campaigne
101 Slough Road
Harvard, MA 01451

08/28/2003

EXAMINER

NGUYEN, BINH AN DUC

| ART UNIT | PAPER NUMBER |
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3713

DATE MAILED: 08/28/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/902,333

Applicant(s)

CAMPAGNE, PHILIP JAMES

Examiner

Binh-An D. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. The Petition under 37 CFR 1.137(b) filed in Paper No. 5, November 18, 2002 has been granted in Paper No 7, December 3, 2002; and the withdrawal of abandonment has been done on December 23, 2002. Currently, claims 1-10 are pending in the application. Acknowledgment has been made.

2. The substitute specification filed in Paper No. 6, November 18, 2002 has not been entered because it does not conform to 37 CFR 1.125(b) and (c) because: the statement as to a lack of new matter under 37 CFR 1.125(b) is missing; and a marked-up copy of the substitute specification has not been supplied (in addition to the clean copy).

Note that, the applicant must submit a marked-up copy of the substitute specification in addition to a clean copy and a statement stating that the substitute specification includes no new matter.

This examination on the merit is based on the specification and drawings originally filed.

3. The drawings are objected to because:

In Figure 9, the recited word "accssible" (last box) should be changed to "accessible".

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitation of teaching step (claim 2) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

5. The abstract of the disclosure is objected to, because:

The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

The spacing of the lines of the specification is such as to make reading and entry of amendments difficult. New application papers with lines double spaced on good quality paper are required.

Further, The abstract is too long. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that

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the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Correction is required. See MPEP § 608.01(b).

6. The disclosure is objected to because of the following informalities:

On page 19, line 44, the recited phrase "communicate the results of" should be changed to "communicate the results to".

Appropriate correction is required.

7. Claims 1-10 are objected to because of the following informalities:

The claims are objected to because the lines are crowded too closely together, making reading and entry of amendments difficult. Substitute claims with lines one and one-half or double spaced on good quality paper are required. See 37 CFR 1.52(b).

Appropriate correction is required.

Further, in claims 1 and 6, each limitation should be separated by a semicolon.

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claims 1-5 and 7-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 2, 4, and 5 are vague and indefinite. It is unclear if the applicant solely claims a method or the applicant claims solely on a system. In claim 1, the preamble seems to claim a method but no method steps have been provided. Note that, the method steps must be positively recited such as: "segmenting...; recording...; selecting...; aggregating...; teaching...; accessing...; collaborating...;" .

Claims 2 and 7 are vague and indefinite because the limitation of teaching the method (or means therefore) has not been clearly disclosed in the specification.

Claims 7-10 are vague and indefinite since they claimed a system but depended on the method of claim 1. Note that, the applicant may desire to change their dependency to claim 6.

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-10, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Birch et al. (6,292,706) in view of one of ordinary skill in the art.

Birch et al teaches a system and method for reporting the discovery of player activity that is a causal to team achievement, comprising: means to segment reporting

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task into aspects (step 202, 3:47-5:30, and Fig. 2); means to select representative aspect report from redundant aspect reports (step 204, entering data, verifying, and editing for accuracy) (5:31-34 and Fig. 2); means to aggregate representative aspect reports to form a contest report (steps 208 and 210, 5:48-6:50).

Regarding the limitations of recording (or means therefore) redundant aspect reports (claims 1 and 6); said reporting is accomplished by players participating in the contest being reported (claims 3 and 8); means for contest players to access contest analyses during the on-going contest (claims 4 and 9); and means for reporters to collaborate (claims 5 and 10), these limitations are notoriously well known, e.g., recording all collected data prior to editing (recording redundant data); interview players (contestant) during game break (reporting is accomplished by players participating in the contest being reported); player (contestant) observing game replays (means for contest players to access contest analyses during the on-going contest); two or more reporters reporting a game event (reporters to collaborate).

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Birch et al.'s system and method for reporting team contest utilizing well known game reporting techniques to enhance the real-time reporting of team-member contribution to team achievement thus makes the game more interesting and bring more excitement to the spectators.


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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh-An D. Nguyen whose telephone number is 703-305-5713. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg can be reached on 703-308-1327. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.


BN


Teresa Walberg
Supervisory Patent Examiner
Group 3700